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LOK SABHA

The following Bills were introduced in Lok Sabha on the 2nd December, 1961:—

BILL No. 50 OF 1961

a Bill further to amend the Hindu Succession Act, 1956.

BE it enacted by Parliament in the Twelfth Year of the Republic of India as follows:—

1. (1) This Act may be called the Hindu Succession (Amendment) Act, 1961. Short title and commencement.

5 (2) It shall come into force at once.

30 of 1956. 2. After section 23 of the Hindu Succession Act, 1956, the following new section shall be inserted, namely:— Insertion of new section 23A.

10 “23A. No transfer of property by female owner shall be valid within two years of the opening of succession in her favour unless it be for consideration, the onus of proof of which shall be on the transferee.” Special provision regarding transfers.

STATEMENT OF OBJECTS AND REASONS

It has been observed that male co-successor or male relations of female owner take advantage of the emotional nature of the female owner after the death of her father or near relation and get transfers by gift or otherwise without consideration. The female owner, who has come in succession, has no appreciation of the act.

It is necessary to protect her interests by legislation. This can be done by giving her an opportunity of appreciation of her ownership rights and time to think of such rights before she makes a free transfer.

Hence this Bill.

NEW DELHI;
The 8th July, 1961.

AJIT SINGH SARHADI.

BILL No. 59 OF 1961

a Bill to provide machinery for fixation of wages and for improvement of working conditions of workers in the Film Industry.

WHEREAS it is expedient to provide machinery for fixation of wages and improve the working conditions of the workers in the Film Industry;

BE it enacted by Parliament in the Twelfth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Film Industry Workers' (Improvement of Working Conditions) Act, 1961. Short title, extent, commencement and application.
- 10 (2) It extends to the whole of India, except the State of Jammu and Kashmir.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
- (4) It shall apply to every establishment employing one or more
15 workers in the Film Industry.
2. In this Act, unless the context otherwise requires,—
- (a) "Film Industry" includes production, processing, distribution and exhibition of films;
- (b) "Government" means the Central Government;
- Definitions.

(c) all words and expressions used but not defined in this Act and defined in the Industrial Disputes Act, 1947, shall have the meanings assigned to them in that Act.

14 of 1947.

CHAPTER II

WAGES, RETRENCHMENT, GRATUITY, RECOVERY, ETC.

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Workers.

3. (1) The provisions of the Industrial Disputes Act, 1947, as in force for the time being, shall, subject to the modifications specified in sub-section (2) apply to, or in relation to, workers as they apply to, or in relation to, workmen within the meaning of that Act.

14 of 1947.

(2) Section 25F of the Industrial Disputes Act, 1947, in its application to workers, shall be construed as if in clause (a) thereof, for period of notice referred to therein in relation to the retrenchment of a workman, the following period of notice in relation to the retrenchment of a worker had been substituted, namely—

10 14 of 1947.

(a) three months in case of workers who have been in continuous service for a period of not less than two years, and

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(b) two months in case of other workers.

Special provisions in respect of certain cases of retrenchment.

4. Where at any time between the 14th day of August, 1958, and the 1st day of March, 1960, any worker had been retrenched, he shall be entitled to receive from the employer, in case of retrenchment, the same benefits as are conferred on a worker retrenched under section 3.

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Payment of gratuity.

5. (1) Where—

(a) any worker has been in continuous service whether before or after the commencement of this Act, for not less than two years in any branch of the film industry, and—

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(i) his services are terminated by the employer in relation to the film industry for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action; or

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(ii) he retires from service on reaching the age of superannuation; or

(iii) he voluntarily resigns from service;

(b) any worker dies while he is in service in any film industry,

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the worker or his heirs, as the case may be, shall, without prejudice to any benefits or rights accruing under the Industrial Disputes Act, 1947 be paid, on such termination, retirement, resignation or death, by the employer gratuity, which

14 of 1947.

shall be equivalent to fifteen days' average pay for every completed year of service or any part thereof in excess of six months.

(2) Notwithstanding anything contained in sub-section (1),
5 where a worker is employed in any establishment in film industry wherein more than one workers were employed on any day of the twelve months immediately preceding the commencement of this Act, the gratuity payable to a worker employed in any such film industry for any period of service before such commencement shall
10 be equivalent to—

(a) three days' average pay for every completed month of service in excess of three months, if the period of such past service does not exceed ten months;

(b) five days' average pay for every completed month of
15 service in excess of three months, if the period of such past service exceeds one year, but does not exceed two years; and

(c) seven days' average pay for every completed month of service in excess of six months, if the period of such service exceeds two years.

20 6. (1) The Central Government may, by notification in the Official Gazette, constitute a Wage Board for fixing rates of wages in respect of workers in accordance with the nature and period of service put in by the worker immediately preceding the commencement of this Act. Constitution
of Wage
Board.

25 (2) The Board shall consist of equal number of persons nominated by the Central Government to represent the employers in relation to film industry and workers, and an independent person having sufficient experience of the working of the film industry shall be appointed by the Central Government as the Chairman thereof.

30 *Explanation.*— The representative of the workers shall be appointed from amongst the Union or Association of the workers.

7. (1) In fixing rates of wages in respect of workers the Board shall have regard to the cost of living, the prevalent rates of wages for comparable employments, the circumstances relating to the film
35 industry in different regions of the country, and to any other circumstances which to the Board may seem relevant. Fixation of
wages.

(2) The Board may fix rates of wages for time work and for piece-work.

(3) The decision of the Board fixing rates of wages shall be communicated, as soon as practicable, to the Central Government.
40

Recovery of
money due
from an
employer.

8. Where any money is due to a worker from an employer, or any money so becomes due from any other person who succeeds to the title of the establishment in the film industry, under any provisions of this Act, whether by way of compensation, gratuity or wages, the worker may, without prejudice to any other mode of recovery, make an application to the State Government for the recovery of the money due to him, and if the State Government or such authority as the State Government may specify in this behalf is satisfied that any money is so due, it shall issue a certificate for that amount to the Collector who shall proceed to recover that amount in the same manner as an arrear of land revenue.

CHAPTER III

HOURS OF WORK, LEAVE, OVERTIME, ETC.

Workers'
Registers.

9. A Workers' Register shall be maintained in the form devised by the Central Government to be notified in the Official Gazette within a period of six months of the commencement of this Act wherein a proper classification of the workers, their attendance and other such incidences pertaining to working conditions shall be recorded.

Hours of
work.

10. (1) No worker shall be required or allowed to work in any film industry for more than 168 hours during any period of four consecutive weeks, exclusive of the time for meals and leisure.

(2) Every worker shall be allowed during a period of seven consecutive days rest for a period of not less than twenty four consecutive hours.

Explanation.—For the purpose of this section, week means a period of seven days beginning at midnight on Saturday.

Employment
in shifts.

11. (1) Where work is required to be carried on for a period exceeding eight hours, workers will be employed in shifts.

(2) Workers will not ordinarily be employed in two consecutive shifts in a day though by previous permission obtained from the appropriate Government, they may be so employed provided that the worker is paid at the rate of three times of wage rates, to be fixed by the Wage Board constituted under section 6.

Leave.

12. (1) Every worker who has put in a service of six months shall be entitled to Casual Leave and Sick Leave as follows:—

Casual Leave	21 days.
Sick Leave	21 days.

(2) Without prejudice to such holidays, Casual Leave or other kinds of leave, every worker shall be entitled to earned leave on full wages for not less than 1/11th of the period required to be spent on duty.

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CHAPTER IV

WELFARE AND HEALTH

13. (1) In every place where film production work is carried on **Canteens.** the employer shall be liable to provide for meals, refreshment, etc. at the proper time.

10 (2) In every film industry wherein twenty-five workers or more are employed, the employer shall provide for a canteen, which shall be subject to the same rules and regulations as are applicable to restaurants, hotels and other such recreation centres under Facto-
63 of 1948. ries Act, 1948.

15 14. There shall be provided and maintained by the employer so as **Rest Rooms.** to be readily accessible during all working hours, rest rooms and in particular where the worker is required to work on night shift, the employer shall provide for and maintain suitable arrangement for such workers to retire.

20 15. There shall be provided and maintained by the employer so **First-aid** as to be readily accessible during all working hours, a first-aid Box **facilities.** equipped with the prescribed contents in every film industry or every such place where it undertakes film production.

CHAPTER V

25

INSPECTORS, PENALTY, INDEMNITY

16. (1) **The Government may, by notification in the Official Appointment of Inspectors.** **Gazette, appoint such persons as it thinks fit to be Inspectors for the purpose of this Act at such places as may be specified in the notification.**

30 (2) Every Inspector shall be deemed to be a public servant with-
45 of 1860. in the meaning of the Indian Penal Code, 1860.

(3) An Inspector may at any film industry or other place where film production is undertaken and which falls within the area allotted to him,—

35 (a) enter, with such assistance (if any) as he thinks fit, any premises;

(b) require any authority or person to produce any register, muster roll or other documents relating to the employment of workers and examine such document;

(c) take on the spot or otherwise the evidence of any person for the purpose of ascertaining whether the provisions of this Act, or any other Act which is applicable to the film industry are complied with notwithstanding any other authority who may be empowered with the same powers or any part thereof. 5

Penalty.

17. (1) If any employer contravenes the provisions of this Act or any other law for the time being in force governing the film industry or any place where film production is carried on, he shall be punishable with fine which may extend to one thousand rupees notwithstanding any other punishment to which he is liable for the contravention of any other law for the time being in force. 10

(2) No Court shall take cognisance of an offence under this section unless the complaint thereof is made within two months of the date on which the offence is alleged to have been committed.

Immunity.

18. No suit, prosecution or other legal proceeding shall lie against 15 the Chairman, any other member of the Wage Board or Inspector for anything which is in good faith done or intended to be done in the course of his duties.

STATEMENT OF OBJECTS AND REASONS

Most of the workers in the film industry are employed through middlemen. The method of recruitment of workers is beset with several evils. Favouritism and nepotism are rampant and the workers are exploited in a variety of ways.

As rates of wages paid to workers are not laid down, there is keen competition. The workers are exploited by suppliers. There is insecurity of work. Under-employment, unemployment and low wages are perpetual.

The working hours for workers in the industry are abnormal, irregular and strenuous. Minimum amenities such as leave, shift system, rest rooms, canteens and first-aid are not provided.

The Bill seeks to provide a machinery for fixation of wages and for improvement of working conditions of workers in the film industry.

NEW DELHI;

N. G. GORAY.

The 7th September, 1961.

FINANCIAL MEMORANDUM

The Bill envisages provision of a machinery for fixation of wages and for improvement of working conditions of workers in the Film Industry. Clause 6 of the Bill provides for the constitution of a Wage Board for fixation of Wages and Clause 16 provides for appointment of Inspectors for the administration of the Act. These two clauses will, therefore, involve some expenditure. No exact idea is possible at this stage as to the amount of recurring and non-recurring expenditure that may be required. But to start with, a non-recurring grant of rupees one lac and a recurring grant of rupees twenty-five thousand would appear to be necessary.

BILL NO. 58 OF 1961

a Bill further to amend the Coir Industry Act, 1953.

Enacted by Parliament in the Twelfth Year of the Republic of India as follows:—

1. This Act may be called the Coir Industry (Amendment) Act, 1961. Short title.

5 of 1953. 5 2. In sub-section (2) of section 10 of the Coir Industry Act, 1953 Amendment of Section 10.
(hereinafter referred to as the principal Act,—

(i) For clauses (a) and (b) the following clauses shall be substituted, namely:—

10 “(a) promoting export of coir, coir yarn and coir products, increasing consumption in India of coir, coir yarn and coir products and carrying on propaganda for that purpose”; and

“(b) regulating under the supervision of the Central Government:—

15 (i) production, stocking and sale of husks by registering and licensing retters and retting places;

20 (ii) production of coir yarn and coir products by registering coir spindles and looms and other equipment for manufacturing coir products as also coir industrial establishments, and manufacturers of coir products;

(iii) registering coir exporters of coir, coir yarn and coir products and licensing exports of coir, coir yarn and coir products;

(iv) export of coir, coir yarn and coir products by taking deposits and in any other appropriate manner for preventing unfair competition amongst exporters and shippers; and 5

(v) taking such other steps as may be prescribed".

(ii) For clause (h) the following shall be substituted namely:— 10

"(h) ensuring remunerative returns to producers of husks, coir fibre and coir yarn and manufacturers of coir products and to workers engaged in the retting of husks, production of coir, coir yarn and coir products";

(iii) For clause (i) the following clause shall be substituted 15 namely:—

"(i) registering and licensing of retters and retting places and warehouses and otherwise regulating the stocking and sale of husk both raw and retted within the country and stocking and sale of coir, coir yarn and coir products both for the internal market and for exports"; 20

(iv) After clause (i) the following clause shall be inserted:

"(ii) securing better working conditions and provision and improvement of amenities for workers engaged in the coir industry". 25

Amendment
of Section
20.

3. After sub-section (2) of section 20 of the principal Act, the following sub-sections shall be added namely:

"(3) Any person who being required by or under any of the provisions of this Act or the rules made thereunder to furnish any return, fails to furnish return, or furnishes a return containing any particular which is false and which he knows to be false or does not believe to be true, shall be punishable with fine which may extend to five hundred rupees. 30

(4) Whoever contravenes or attempts to contravene or abets the contravention of any of the provisions of this Act or of any rules made thereunder other than the provisions, punishment for the contravention whereof has been provided for in sub-section (i) of section 20 shall be punishable with fine which 35

5 may extend to five hundred rupees and in the case of a continuing contravention with an additional fine which may extend to five hundred rupees for every day during which such contravention continues after conviction for the first such contravention.

(5) No court other than the Court of a Magistrate of the First Class shall take cognizance of and try any offence punishable under this Act or any rule made thereunder".

10 4. In sub-section (1) of section 21 of the principal Act for the Amendment of Section 21. words and figures "under Section 12" the words "Under this Act or any rule made thereunder" shall be substituted.

5. In sub-section (2) of section 26 of the principal Act, Amendment of Section 26.

(i) for clause (k) the following clause shall be substituted 26. namely:—

15 "(k) the registration and licensing of retters and retting places and the conditions for such registration and licensing ; the registration of coir spindles, looms and other equipment for the manufacture of coir products as also
20 registration of coir industrial establishment and of manufacturers of coir products and the conditions for such registration; the registration of exporters of coir, coir yarn and coir products and the conditions for such registration; the grant or issue of licenses for export and other licenses
25 under this Act or the rules made thereunder and the conditions for such grant or issue; fees to be levied in respect of such registration and licenses, and the suspension and cancellation of such registration and licenses"; and

(ii) after clause (m) the following new clause shall be inserted, namely:—

30 "(mm) securing better working conditions and improvement of amenities and incentive for workers".

STATEMENT OF OBJECTS AND REASONS

The Coir Industry Act, 1953, does not provide for measures for improving the working conditions of workers engaged in the Coir Industry. The Bill seeks to secure better working conditions and amenities for these workers.

The Bill also provides for penalty for submitting false returns and for violation of the provisions of the Act or the Rules made thereunder.

Besides providing amenities and securing better working conditions of the workers, the registration and licensing of retters, retting places, coir spindles, looms and other equipment for manufacture of coir etc. has been provided for in the Bill in order to have complete and accurate statistics of the Coir Industry.

Hence this Bill.

NEW DELHI;
The 4th September, 1961.

SATIS CHANDRA SAMANTA.

BILL No. 61 OF 1961

a Bill to provide for the establishment of an All India Ayurvedic University under the aegis of the Government of India with a view to resuscitate and encourage the study and growth of the science of Ayurveda in India.

WHEREAS it is expedient to resuscitate and properly develop the Indian science of Ayurveda and encourage and standardise its study and education in a uniform way all over India;

BE it enacted by Parliament in the Twelfth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the All India Ayurvedic University Act, 1961. Short title, extent and commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

CHAPTER II

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

- (1) "University" means the All India Ayurvedic University established under this Act. 5
- (2) "Parishad" (Senate) means the Parishad of the University.
- (3) "Samsad" (Syndicate) means the Samsad of the University.
- (4) "Sikshasamiti" (Faculty) means the Sikshasamiti of the 10 University.
- (5) "Regulation" means original proposition.
- (6) "Motion" means anything moved either by way of resolution or amendment.
- (7) "Rules" mean the Rules of the University. 15
- (8) "Kulapati" means the Chancellor of the University.
- (9) "Anukulapati" means the Pro-Chancellor of the University.
- (10) "Upakulapati" means the Vice-Chancellor of the 20 University.
- (11) "Sanchalaka" means the Registrar of the University.
- (12) "Acharya" means a teacher of the institutions affiliated to the University.
- (13) "Adhyaksha" (Principal) means the Head of a college.
- (14) "University College" means a College which is estab- 25 lished by the University as making provision for advanced courses in Ayurveda through Sanskrit or modern Indian languages, qualifying students for admission to the titles and degrees of the University according to the Regulations prescribed, and provides for research in Ayurveda. 30
- (15) "College" means an educational institution where instructions are given in Ayurveda both theoretical and practical for the title and degree Examinations.
- (16) "Vidyalaya" means an educational institution where 35 instructions are given below the standard of a title or Degree.

CHAPTER III

CONSTITUTION, LOCATION, JURISDICTION, FUNCTION AND POWERS OF THE UNIVERSITY

3. The Kulapati (Chancellor), Anukulapati (Pro-Chancellor), Incorporation,
 5 Upakulapati (Vice-Chancellor), Parishad (Senate), Samsad
 (Syndicate), Sikshasamiti (Faculty), and Pathyasamitis (Boards of
 Studies) shall be constituted a body corporate by the name of All
 India Ayurvedic University and shall have perpetual succession and
 a common seal and shall sue and be sued, by that name.
- 10 4. The Headquarters of the University shall be located in the Headquar-
 Union Territory of Delhi. ters.
5. The jurisdiction of the University shall extend all over the Territorial
 Union of India. jurisdiction
 of the Uni-
 versity.
6. The University shall have the following powers, namely:— Powers of the
 University.
- 15 (1) to provide for instruction in such branches of Ayurveda
 as the University may think fit and to make provision for research
 and for the advancement and dissemination of the Ayurvedic
 Science;
- 20 (2) to hold examinations and to confer titles, degrees and
 other academic distinctions on persons who have passed the
 examinations after undergoing courses of studies in the Univer-
 sity or any other institution in India affiliated to the University;
- 25 (3) to promote the development of the study of Ayurveda
 through Sanskrit or any modern Indian language as media of
 instruction and examination;
- (4) to confer titles and degrees or other academic distinc-
 tions on persons who have carried on research work under the
 conditions prescribed by the University;
- 30 (5) to confer honorary titles, degrees or other academic
 distinctions on approved persons under conditions prescribed;
- (6) to institute chairs, professorships, readerships, lecturer-
 ships or any other teaching or working posts required by the
 University;
- 35 (7) to hold and manage endowments and to institute and
 award fellowships, scholarships, exhibitions, medals and prizes
 in accordance with the rules and regulations of the University;
- (8) to maintain schools, colleges, halls, research institutions,
 laboratories, museums, libraries, dispensaries, rasayanshalas,

pharmacies, gardens, herbaria, botanical gardens, sanatoria, gymnasia, play and recreation grounds, guest houses, goshala and dairies, etc. and recognise colleges, vidyalayas, halls, research institutions, hospitals and out-door dispensaries not maintained by the University and to withdraw such recognition; 5

(9) to fix fees and to demand and receive such fees as may be prescribed;

(10) to supervise and control the residence and discipline of students of the University and to make arrangements for promoting their health and general welfare; 10

(11) to make grants from the funds of the University for assistance to students, professors and affiliated institutions for studies in Ayurveda inside or outside the University when considered helpful in the progress of the science of Ayurveda;

(12) to cooperate with other Universities or authorities in 15 such manner and for such purposes as the University may determine; and

(13) to do all such other acts and things whether incidental to the purposes and powers aforesaid or not, as may be requisite in order to further the objects of the University as a 20 teaching and examining body and to cultivate and promote all the branches of the science of Ayurveda.

University to
be open to
all classes,
castes, creeds
and sexes.

7. The University, subject to the rules and regulations, shall be open to persons of all classes, castes, creeds and sexes.

Rights to
inspection.

8. (1) The Kulapati (Chancellor) shall have the right to cause an 25 inspection to be made, by such person or persons as it may direct, of the University, its buildings, laboratories, libraries, museums, workshops, hospitals, out-door dispensaries, equipments and of any institution maintained by or affiliated to the University and also of the teaching and other work conducted or done by the University and to 30 cause an enquiry to be made in respect of any matter connected with the University by giving notice to the University of its intention to cause such inspection or inquiry to be made and the University shall be entitled to be represented thereat.

(2) The Kulapati (Chancellor) shall communicate the results of 35 such inspection or inquiry to the Parishad (Senate) and to the Samsad (Syndicate) for necessary action.

(3) The Kulapati (Chancellor) when action has not been taken by the University within a reasonable time to his satisfaction, may

issue such direction as he may deem fit and the University shall be bound to comply with such directions.

9. The following shall be the Officers of the University:—

Officers of
the University.

- (a) Kulapati (Chancellor);
- 5 (b) Anukulapati (Pro-Chancellor);
- (c) Upakulapati (Vice-Chancellor);
- (d) Sanchalaka (Registrar); and
- (e) such other Officers as may be declared by the Statutes to be Officers of the University.

10 10. (1) The President of the Republic of India shall be the Kula-
pati (Chancellor) of the University. The
Kulapati
(Chancellor).

(2) He shall by virtue of his office, be the head of the University and shall, when present, preside at the Convocation of the University convened for the purpose of conferring titles, degrees and for other
15 purposes.

(3) The Kulapati (Chancellor) shall exercise such other power and perform such other duties as may be conferred on him by the University.

20 (4) Every proposal for the conferment of an honorary title or degree shall be subject to the confirmation of the Kulapati (Chancellor).

(5) The Kulapati (Chancellor) shall finally decide any dispute with regard to the election of any person to be a fellow of the Parishad (Senate), or a member of the Samsad (Syndicate) or a member
25 of other University Bodies.

(6) The Kulapati (Chancellor) may, by order in writing, annul any proceeding of the University, which is not in conformity with the rules, Regulations or Statutes; provided that before making any such order he shall call upon the University to show cause why such
30 an order should not be made, and, if any cause is shown within a reasonable time, he shall consider the same.

(7) The Kulapati (Chancellor) shall issue direction to the University as he may deem fit in case the University does not take action
35 on the results of any inspection or inquiry within the reasonable time and the University shall comply with such direction.

11. (1) The Anukulapati (Pro-Chancellor) shall be nominated by the Chancellor on the recommendations of the Samsad (Syndicate) and shall hold office for a period of five years. Anukulapati
(Pro-
Chancellor)

(2) He shall, by virtue of his office be a member and shall be Chairman of the Parishad (Senate) and shall preside at the meetings of the Parishad (Senate) and shall also preside at the Convocation in case the Chancellor happens to be absent.

(3) He shall have power to convene meetings of the Parishad (Senate).

The
Upakulapati
(Vice-
Chancellor).

12. (1) The Upakulapati (Vice-Chancellor) shall be elected by the Senate from among its members or outside.

(2) He shall hold office for a period of five years and shall be eligible for re-election. 10

(3) He shall be the whole-time paid officer.

(4) He shall be the principal executive officer of the University and shall exercise general control over its affairs.

(5) He shall, by virtue of his office, be a member of the Parishad (Senate) and member and Chairman of the Samsad (Syndicate) and the Sikshasamiti (Faculty) and shall preside at the meetings of the Samsad (Syndicate) and Sikshasamiti (Faculty) and the Parishad (Senate) in case the Anukulapati (Pro-Chancellor) happens to be absent, and shall also in the absence of Kulapati (Chancellor) and Anukulapati (Pro-Chancellor) preside at the Convocations. 20

(6) The Upakulapati (Vice-Chancellor) shall have right of appointing such officers of the University as may be provided and control every servant of the University.

(7) The Upakulapati (Vice-Chancellor) shall have the right of visiting and inspecting the institutions of the University. 25

(8) It shall be his duty to see that the Rules, Regulations, Statutes, Ordinances are duly observed and that he may exercise all powers necessary for this purpose.

(9) He shall give effect to the orders of the Samsad (Syndicate) regarding the appointment, suspension and dismissal of the teachers and servants of the University. 30

(10) In the absence of the Upakulapati (Vice-Chancellor), his duties shall be performed in such manner as the Samsad (Syndicate) may, subject to the approval of the Kulapati (Chancellor), direct.

The
Sanchalaka
(Registrar).

13. (1) The Sanchalaka (Registrar) shall be the whole-time paid officer of the University appointed by the Parishad (Senate) on the recommendation of the Samsad (Syndicate). 35

(2) He shall be appointed for 5 years and shall be eligible for re-appointment.

(3) He shall act as the Secretary of the Samsad (Syndicate), Parishad (Senate) and Sikshasamiti (Faculty) and shall exercise such powers and perform such duties as may be prescribed.

14. The following shall be the authorities of the University:—

Authorities
of the
University.

- 5 1. Parishad (Senate);
2. Samsad (Syndicate);
3. Sikshasamiti (Faculty);
4. Pathyasamitis (Boards of Studies); and
- 10 5. Such other authorities as may be declared to be the authorities of the University.

15. The Parishad (Senate) shall consist of the following persons, namely: The Parishad
(Senate).

CLASS (I)—EX-OFFICIO MEMBERS

- (a) (i) The Kulapati (Chancellor);
- 15 (ii) The Anukulapati (Pro-Chancellor);
- (iii) The Upakulapati (Vice-Chancellor);
- (iv) The Principals of the affiliated colleges;
- (v) The members of the Samsad who are not otherwise members of the Parishad;
- 20 (vi) The Heads of Hospitals and Research Institutes.

CLASS (II)—LIFE MEMBERS

(b) (i) All persons who make a donation of not less than twenty five thousand rupees to or for the purposes of the University shall be the members of the Parishad (Senate) throughout their respec-
25 tive lives.

(ii) Three members may be appointed, on the recommendations of the Samsad (Syndicate), by the Parishad (Senate) to be life members on the ground that they have rendered eminent service to the Ayurvedic Science.

30 CLASS (III)—ELECTED MEMBERS

(c) (i) Fifteen teachers (Acharyas) of the institutions affiliated to the University to be elected by the registered graduate teachers of the University.

(ii) Twenty persons to be elected from and by the registered
35 graduates who are not teachers.

(iii) Three representatives of the Government of India to be nominated by the Kulapati (Chancellor).

(iv) Three representatives of the Lok Sabha and two representatives of the Rajya Sabha to be elected by the members of Lok Sabha and Rajya Sabha respectively. 5

(v) Five representatives of the All India Ayurvedic Congress to be elected by the Governing Council of the said Congress.

(vi) Two members to be elected by the Sikshasamiti (Faculty) out of its members.

(vii) One representative of the Delhi University to be elected by the Senate of the said University. 10

(d) Five persons to be nominated and elected members of the Parishad (Senate) shall hold office only for five years, but shall be eligible for re-election.

(e) A person nominated or elected in his capacity as a member of a particular body or holder of a particular appointment shall cease to be a member of the Parishad (Senate) if he ceases to be a member of that particular body or the holder of that appointment, as the case may be. 15

Functions of
the Parishad
(Senate)

16. (1) The Parishad (Senate) shall be the supreme body of the University and shall have the power to review the actions of the Samsad (Syndicate) and Sikshasamiti (Faculty) and shall exercise control over the Samsad (Syndicate) in its management of the funds, concerns, property and affairs of the University. It shall also exercise all the powers of the University otherwise provided for herein. 20 25

(2) In particular and without prejudice to the generality of the foregoing power, it shall have powers:

(i) to make statutes and to amend or repeal the same and to consider, modify or cancel Regulations and Ordinances;

(ii) to provide for instructions and training in such branches of the Science of Ayurveda as it thinks fit; 30

(iii) to institute, maintain and manage or recognise and control colleges;

(iv) to provide for research and advancement and dissemination of the Science of Ayurveda; 35

(v) to institute Chairs, Professorships, Lecturerships and other teaching posts required by the University;

(vi) to establish, equip and maintain University Laboratories and Libraries;

5 (vii) to establish, equip and maintain indoor and outdoor hospitals and dispensaries;

(viii) to affiliate colleges under conditions to be prescribed in this behalf and to withdraw affiliation from colleges after consultation with the Sikshasamiti (Faculty);

10 (ix) to confer titles, degrees and other academic distinctions on persons who—

(a) shall have pursued an approved course of Study in an affiliated college and shall have passed the prescribed examinations of the University; or

15 (b) shall have carried on research under conditions prescribed;

(x) to confer honorary Titles and Degrees or other distinction on approved persons in the manner prescribed;

(xi) to institute fellowships, travelling fellowships, scholarships, 20 exhibitions, honours, medals and prizes;

(xii) to establish, maintain and manage hostels;

(xiii) to recognise hostels not maintained by the University and to withdraw recognition therefrom;

(xiv) to supervise and control the residence and discipline of the 25 students of the University and to make arrangements for promoting their health and general welfare;

(xv) to prescribe the fees to be charged for the affiliation of schools and colleges for admission to the examinations of degrees, titles and diplomas of the University and for registration of graduates; 30

(xvi) to consider and pass resolutions on the Annual Report, the Annual Accounts and the Financial Estimates of the University;

(xvii) to enter into any agreement with the Government or with a private management for assuming the management of any institution and taking over its properties and liabilities or for any other 35 purpose not repugnant to the provisions of the University;

(xviii) to co-operate with other Universities and authorities which have Ayurveda in their curricula for such purposes and in such manner as it determines;

(xix) to exercise all the powers of the University not otherwise provided for and all powers requisite to give effect to the provisions of the University;

(xx) to fix the emoluments of the Upakulapati (Vice-Chancellor), the Sanchalaka (Registrar) and teachers of the University; 5

(xxi) to consider, approve or alter Regulations passed by the Sikshasamiti (Faculty);

(xxii) to collect the manuscripts in Ayurveda and publish them;

(xxiii) to publish the text books on Ayurveda as per requirement. 10

Meetings of the Parishad (Senate). 17. (a) There shall be at least two ordinary meetings of the Parishad (Senate) in a year; one of which shall be called the Annual meeting;

(b) the Parishad (Senate) may also meet at such other times as it or the Anukulapati (Pro-Chancellor) may from time to time determine; 15

(c) Upon a requisition in writing signed by not less than 15 members of the Parishad (Senate), the Anukulapati (Pro-Chancellor) shall convene a meeting of the Parishad (Senate);

(d) Fifteen members shall form the quorum for a meeting of the Parishad (Senate); 20

(e) In the absence of the Anukulapati (Pro-Chancellor), and Upakulapati (Vice-Chancellor) from a meeting of the Parishad (Senate) the members present at the meeting shall choose one amongst themselves to preside thereat. 25

Samsad (Syndicate). 18. The Samsad (Syndicate) shall, in addition to the Upakulapati (Vice-Chancellor), consist of the following persons, namely,—

- (1) Three members elected by the Parishad (Senate),
- (2) Two members elected by the Sikshasamiti (Faculty),
- (3) Principal of the University College, 30
- (4) One Principal from the College, elected by the Parishad (Senate),
- (5) One member of the Parliament elected by the Parishad (Senate),
- (6) Two representatives of the All India Ayurvedic Congress 35
elected by the Governing Council of the said Congress from amongst its five representative members on the Parishad (Senate).

19. The first Samsad (Syndicate) shall be nominated by the Kulapati (Chancellor) on the recommendation of the Government of India till the new Samsad (Syndicate) is formed as per provision of the University. The first Samsad (Syndicate).

5 20. A person nominated or elected in his capacity as a member of a particular body or as the holder of a particular appointment shall cease to be a member of the Samsad (Syndicate) if he ceases to be a member of that body or the holder of that appointment, as the case may be. Cancellation of membership of Samsad (Syndicate).

10 21. The Samsad (Syndicate)—

Functions of Samsad (Syndicate).

(a) shall direct the form, custody and use of the Common Seal of the University;

(b) shall hold, control and administer the property and funds of the University;

15 (c) shall appoint the teachers of the University fix their emoluments and define their duties and conditions of their service;

(d) shall appoint the servants of the University, fix their emoluments and define their duties and conditions of their service;

20 (e) shall have power to suspend or dismiss servants of the University;

(f) shall award prizes, medals, scholarships in accordance with the rules laid down by the Parishad;

25 (g) shall appoint examiners in consultation with the Pathya-samitis (Boards of Studies) and fix their fees;

(h) shall subject to the provisions of the University, arrange for and direct the inspection of all affiliated institutions and hostels;

30 (i) shall conduct the University Examinations and publish the results thereof;

(j) shall have power to accept on behalf of the University endowments, bequests, donations and other transfers of properties made to it and, all such endowments, bequests, donations and transfers of properties shall be reported to the Parishad (Senate) at its next meeting;

35 (k) shall regulate and determine all matters concerning the University and exercise such other powers and perform such other duties as may be imposed by the Statutes and Ordinances;

(l) shall administer all funds placed at the disposal of the University for specific purposes;

(m) shall charge and collect such fees as may be prescribed;

(n) shall appoint the members of the Board of Studies; and

(o) shall appoint and maintain the staff of the libraries. 5
indoor and outdoor hospitals, dispensaries, pharmacies, rasyan-shalas, research laboratories, gardens, herbaria, botanical gardens, museums, gymnasia, play and recreation grounds, goshalas and dairies, etc.

**Annual
Report.**

22. The Samsad shall prepare an annual report of the University 10 and submit it to the Parishad (Senate) on or before such date as may be prescribed by the Statutes. The report shall be considered by the Parishad (Senate) at its next Annual Meeting. The Parishad (Senate) may pass resolutions thereon and communicate the same to the Samsad (Syndicate) which shall take action in accordance 15 therewith. The Samsad shall inform the Parishad of the action taken by it. A copy of the Report with a copy of the resolution thereon, if any, of the Parishad (Senate) shall be submitted to the Chancellor for information.

**Annual
Accounts.**

23. (1) The Samsad (Syndicate) shall prepare the Annual accounts, 20 of the University and submit them to such audit as the Parishad (Senate) may direct. The accounts when audited shall be published in the Gazette of India and copies thereof together with the copies of the Audit Report, shall be submitted to the Parishad (Senate) and the Government of India. 25

(2) The Samsad (Syndicate) shall also prepare, before such date as may be prescribed by the Statutes the financial estimates for ensuing year and submit the same to the Parishad (Senate).

(3) The annual accounts and the financial estimates shall be considered by the Parishad (Senate) at its annual meeting and the 30 Parishad (Senate) may pass resolutions with references thereto and communicate the same to the Samsad which shall take action in accordance therewith.

**Tenure of
office of
members.**

24. The members other than *ex-officio* shall hold office for five years and shall be eligible for re-election or re-nomination as the 35 case may be.

**The Siksha-
samiti
(Faculty).**

25. The Sikshasamiti (Faculty) in addition to the Upakulapati (Vice-Chancellor) shall consist of the following persons, namely:—

(1) All the Chairmen of Pathyasamitis (Boards of Studies)

(2) The Principals of the colleges

(3) The Head of the Research Department

(4) The Heads of the Hospitals. 40

26. (1) The Sikshasamitis (Faculty), subject to the rules of the University, shall have the power to prescribe all Courses of Studies and to determine Curricula and shall have general control over the teaching in the University and shall be responsible for maintenance of the standard thereof.

Powers of
Sikshasamiti
(Faculty).

(2) It shall have power to make Regulations relating to all matters which may be provided by the statutes or ordinances or by Regulations.

27. Without prejudice to the generality of the foregoing provision, it shall have power:—

Functions of
the Siksha-
samiti
(Faculty).

(a) to advise the Parishad (Senate) and Samsad (Syndicate) on all academic matters;

(b) to formulate, modify or revise schemes for the constitution of departments of teaching;

(c) to make proposals to the Parishad (Senate) for the institution of chairs, professorships, lecturerships or other teaching posts and in regard to the duties and emoluments thereof;

(d) to make recommendations to the Samsad (Syndicate) for recognition of teachers qualified to give instructions in affiliated institutions and hostels;

(e) to call for reports from the persons engaged in research and to make recommendations to the Samsad (Syndicate) thereon;

(f) to control and manage the University Library or Libraries, to frame rules regarding it or their use;

(g) to make regulations regarding the admission of students to the University or prescribe examinations to be recognised, with the previous sanction of the Parishad (Senate) as equivalent to the University examinations;

(h) to make regulations relating to courses, examinations and the condition on which students shall be admitted to examinations for the titles or degrees of the University;

(i) to make regulations relating to the use of Sanskrit or modern Indian languages as media of instructions and examinations;

(j) to make rules and regulations for maintaining the indoor or outdoor hospitals and dispensaries; and

(k) to decide the conditions under which exemptions relating to the admission of students to examinations may be given.

Pathyasamiti
(Board of
Studies).

28. There shall be a Pathyasamiti (Board of Studies) for each of the following subjects consisting of ten members each, to be appointed by the Samsad (Syndicate):—

1. Ayurveda
2. Sanskrit
3. Modern Indian Languages
4. Allied subjects.

5

Functions of
the Pathya-
samiti (Board
of Studies).

29. The functions of the Boards of Studies shall be prescribed by the Statutes.

Proceedings
not to be
invalidated.

30. No proceeding of any authority or other body of the University shall be invalidated merely by reason of the existence of any casual vacancy or vacancies among its members, save as hereinbefore provided.

Appointment
of officers.

31. The Officers of the University shall be appointed by the Chancellor after considering the recommendations of the Samsad (Syndicate) and Parishad (Senate).

Audit of
accounts.

32. The accounts of the University shall, once at least in every year, and at intervals of not more than fifteen months, be audited by auditors appointed by the Parishad (Senate) and a copy of the accounts together with the auditors' report, shall be published in the University Gazette.

Statutes.

33. (1) The first Statutes shall be framed by the Central Government.

(2) The Parishad (Senate) may, from time to time, make a new or additional Statute or may amend or repeal the Statutes.

25

(3) The Samsad (Syndicate) may, from time to time, lay before the Parishad (Senate) any proposals for new Statutes or for the amendment or repeal of any of the existing Statutes and it shall be the duty of the Parishad (Senate) to duly consider all such proposals.

(4) Every new Statute or addition to the Statutes or amendment to or repeal of the Statutes, shall be submitted to the Kulpati (Chancellor) who may allow it or refer it back to the Parishad (Senate) for reconsideration with an expression of his opinion and when it is so submitted the Parishad (Senate) shall consider it accordingly and if it is again passed by it, with or without amendment, it shall be submitted again to the Kulapati (Chancellor) for consideration who may then allow or disallow it as he thinks fit.

30

35

(5) No Statute or addition to the Statutes or amendment or repeal of the Statutes made by the Parishad (Senate) shall have validity until allowed by the Kulapati (Chancellor).

34. Regulations shall be made by the Shikshasamiti (Faculty) Regulations.
5 regarding the academic purposes and every regulation made by the Shikshasamiti (Faculty) shall be submitted to the Parishad for its consideration and approval in its next meeting. The Parishad (Senate) shall have power to cancel or modify any such regulations. No Regulations shall have any validity until approved by the Pari-
10 shad (Senate).

35. The University shall have a fund to which shall be credited: Funds of the University.
(i) its income from fees, endowments and grants, if any, and (ii) contributions which may be made by the persons on such conditions as it may impose towards the development of laboratories, libraries,
15 museums and workshops and the salaries of such teachers of the University as are appointed for research and for the advancement and dissemination of the Science of Ayurveda.

36. (i) The University shall have a Fund called the Foundation Fund. Foundation Fund.

20 (ii) The Foundation Fund shall consist of:—

(a) the sums which shall be given to it by the Government of India, or State Governments;

(b) any contribution to this Fund which may be made by the Central and State Governments, any local or other public
25 body or others and any contribution to this Fund which may be made by the University.

(iii) The Foundation Fund shall be invested and be kept invested in securities issued or guaranteed by the Government and such investments shall not be varied without the consent of the Kulapati
30 (Chancellor). The corpus of the Foundation Fund shall be kept intact but the interest thereon may be utilised for the purposes of the University.

37. The University shall have such other funds and maintain Other Funds.
such accounts as the Parishad (Senate) may determine.

38. If any difficulty arises in giving effect to the provisions of this
35 Act, the Kulapati (Chancellor) may, as occasion requires, by order do anything which appears to him necessary or expedient for the purposes of removing the difficulty. Power to remove difficulties.

STATEMENT OF OBJECTS AND REASONS

Ayurveda is an ancient medical science and plays an important part in rendering medical aid and in maintaining the public health throughout the whole of the Indian Union. About three fourths of the population of India entirely depend on the Ayurvedic treatment so far as their health is concerned. But Ayurvedic education varies from State to State. Some of the Indian Universities have included Ayurveda in their curricula but many others have not thought it fit to do so. In some States, Ayurvedic Boards or Associations appointed by the Government are conducting the examination while in others private institutions are doing the same. Almost all the Ayurvedic institutions are not well staffed, well equipped and are lacking in imparting practical training in its eight branches. There is no uniformity in its education throughout the country and due to lack of uniformity in its education and due to want of standardisation of its medicines, it does not flourish well in spite of the encouragement from the Central and the State Governments.

It is, therefore, proposed to establish a Central All India University of Ayurveda under the aegis of the Government of India. Hence this Bill.

ANANTA TRIPATHI SARMA.

NEW DELHI;
The 14th September, 1961.

FINANCIAL MEMORANDUM

On the enactment of this Bill, the immediate requirement of the Ayurvedic University will be buildings to house the University and colleges, quarters for staff and hostel for students and books, apparatuses and other necessary equipments required therefor. A statement showing non-recurring and recurring expenditure is shown below. The recurring expenditure will, however, be met by the funds of the University and Foundation Funds as stated in clauses 35 and 36 of the Bill. But to start with, the non-recurring expenditure shall have to be met by the contributions from the Government as shown in the Statement below. It is expected that with the above aid from the Government the University will be in a position to carry on efficiently for a considerable time till it is dependent on its own resources.

No specific reference to the grants proposed to be paid by the Central Government has been made in the draft Bill.

STATEMENT

A. NON-RECURRING	Rs.
Contribution to the University Fund	
Furniture and Fixtures	30,000
Books	20,000
Other Equipments	50,000
Buildings approximate including staff quarters	1,00,00,000
	<hr/> 1,51,00,000 <hr/>
B. RECURRING	Rs
Pay of the Vice-Chancellor @ Rs. 2,000 per mensem	24,000
Pay of the Registrar @ Rs. 800 p.m.	9,600
Pay of the Manager @ Rs. 500 p.m.	6,000
Pay of the Accountant @ Rs. 400 p. m.	4,800
Pay of the 3 Senior Clerks @ Rs. 200 p.m. each	7,200
Pay of 2 Stenographers @ 200 p.m. each	4,800
Pay of 7 Junior Clerks @ 150 p.m. each	12,600
Pay of 15 peons @ 100 p.m. each	18,000
Pay of 10 servants @ 75 p.m. each	9,000
Pay of Librarian @ 250 p.m.	3,000
Pay of the Cashier @ 150 p.m.	1,800

	Total establishment charges	1,00,800
Contingencies		20,000
Travelling Allowance		20,000
Remuneration		15,000
Other charges		10,000
Books for Library		10,000
	Total	1,75,800

BILL No. 65 OF 1961

27 of 1953.

a Bill to provide for the licensing of certain flying and to repeal relevant sections of the Air Corporations Act, 1953.

BE it enacted by Parliament in the Twelfth Year of the Republic of India as follows:—

1. (1) This Act may be called the Civil Aviation (Licensing) Act, 1961. Short title, extent and commencement.

5 (2) It extends to the whole of India including the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions in this Act.

10 2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Aerodrome Licence" means a licence granted in respect of an aerodrome;

(b) "Air Operators' Certificate" has the meaning assigned by paragraph (a) of sub-section (2) of section 3;

15 (c) "Air Transport Service" means the carriage of passengers or of mails or other cargo by air for reward;

(d) "The Board" means the Air Transport Licensing Board established in pursuance of sub-section (1) of section 3 of this Act;

(e) "The Central Government" means the Government of India;

(f) "Flight" means a journey by air beginning when aircraft takes off and ending when the aircraft next alights thereafter;

(g) "The Minister" means the Minister of Transport and Communications;

(h) "Operator", in relation to an aircraft, means a person for the time being having the business management of that aircraft, and cognate expressions shall be construed accordingly;

(i) "Prescribed" means prescribed by the Central Government by regulations under this Act;

(j) "Reward", in relation to any aircraft, includes any form of consideration received or to be received wholly or partly in respect of that flight, irrespective of the person by or to whom the consideration has been or is to be given;

(k) "Tariff" in relation to any air transport service means the fares or freight rates (including any charges for the carriage of mails) to be charged and any conditions upon which those fares or freight rates depend.

Establishment of licensing authority and restriction of unlicensed flying.

3. (1) There shall be established in accordance with the provisions of the Schedule an Air Transport Licensing Board (in this Act referred to as the Board).

(2) No aircraft shall be used on any flight for reward or in connection with any trade or business—

(a) unless the operator of the aircraft is the holder of an 'Air Operator's Certificate' being a certificate of his competence to secure that aircraft operated by him on flights are operated safely; or

(b) subject to the provisions of sub-section (3) and otherwise than in accordance with the terms of an 'Air Service Licence' granted to the operator of the aircraft by the Board under section (4) being a licence authorising the holder thereof to operate aircraft on flights:

Provided that the provisions of this sub-section shall not apply to any flight made—

(a) solely for the purpose of carrying passengers on a flight beginning and ending at the same place; or

(b) solely for one or more of the following purposes, that is to say—

(i) the provision of ambulance or rescue facilities by air;

5 (ii) the carriage of not more than seven persons (including the crew of the aircraft) together with the baggage, if any, in a case where the aircraft is not equipped to carry more than that number of persons;

10 (iii) the carriage of any one or more of the following, that is to say the operator of the aircraft, any *bona fide* servant of his and any baggage or other property of the operator or any such servant;

(iv) the training or testing of persons in the performance of duties in the aircraft;

15 (v) the testing or demonstrating of the aircraft or of any apparatus, whether or not that apparatus is carried in the aircraft;

(vi) the dropping or projecting of material in the interests of agriculture, horticulture, forestry or public health;

20 (vii) the taking of photographs from the air; or

(c) solely for the purpose of carrying cargo consigned by one person in the exercise of an exclusive right to use the capacity of the aircraft on that flight not being a person who, except for the purpose of delivering the whole of that cargo to one or more purchasers thereof from the consigner, has contracted with other persons to carry that cargo or to cause it to be carried; or

25 (d) solely for the carriage of passengers with or without their baggage in a case where none of the passengers is carried on such terms as may be prescribed as being carried at a separate fare;

30 and the Central Government may, by notification in the Official Gazette, exempt from the requirements of clause (b) any other particular flight or series of flights.

(3) This section shall apply to—

35 (a) any flight in any part of the world by any aircraft registered in India; and

(b) any flight beginning or ending in India by any aircraft registered in such other country or territory, if any, as may be prescribed.

Air Service
licences.

4. (1) Any application to the Board for the grant of an air service licence shall—

(a) contain particulars of any air transport service proposed to be provided under the licence, including the places between which, and (where appropriate) the frequency with which, the service is to be provided; 5

(b) specify the nature of any other purpose for which the applicant desires that aircraft operated by him may be used under the licence for reward or in connection with a trade or business; 10

and, subject to the provisions of this section and of any relevant regulations under section 7, the Board may, at their discretion, after consultation with such persons, if any, as may be prescribed, either reject the application or grant the applicant an air service licence for all or any of the following purposes:— 15

(i) the provision of any air transport service proposed in the application which may be so specified,

(ii) any other purpose so proposed which may be so specified,

subject in either case to such conditions, if any, of the prescribed descriptions as may be so specified. 20

(2) In exercise of their functions under this section the Board shall consider in particular:—

(a) whether they are satisfied that having regard in particular to his experience and financial resources and, subject to sub-section (4), to his ability to provide satisfactory equipment, organisation and staffing arrangements, and having regard also to any contravention in respect of aircraft operated by him, the applicant is competent and a fit and proper person, to operate aircraft for the purposes for which he seeks an air service licence; 25 30

(b) the provision made or proposed to be made against any liability in respect of loss or damage to persons or property which may be incurred in connection with aircraft operated by the applicant;

(c) any unfair advantage of the applicant over other operators by reason of the terms and conditions of employment of his servants; 35

(d) the existing or potential need or demand for any air transport service proposed;

(e) in the case of any air transport service proposed the adequacy of any similar service authorised by any air service licence already granted and the tariff, if any, in respect of that similar service;

5 (f) the extent to which any transport service proposed would be likely to result in wasteful duplication of, or in material diversion of traffic from, any air transport service licence already granted;

10 (g) any capital or other expenditure reasonably incurred or any financial commitment or commercial agreement reasonably entered into in connection with the operation of aircraft on air transport services by any person (including the applicant) who is the holder of any air service licence already granted;

15 (h) any objections or representations made in accordance with any relevant regulations under section 7.

(3) The Central Government and the Board shall, from time to time, consider together the relations with other countries or territories affecting the exercise of the Board's functions; and if in the
20 case of any application for an air service licence the Central Government so direct, in writing, on the grounds that any air transport service proposed in the application would in their opinion involve the negotiations with the Government of some other country or territory of right which it would be inexpedient for the time
25 being to seek the Board shall forthwith reject that application so far as it relates to that service.

(4) For the purpose of clause (a) of sub-section (2) the Board shall not consider the matters in respect of which an air operator's certificate is required, that is to say, the competence of the appli-
30 cant to secure that aircraft operated by him will be operated safely.

(5) Every air service licence authorising air transport service shall include a provision with respect to the tariff to be charged in respect of that service being—

35 (a) in the case of a service between terminal points one of which is in India and the other of which is in India, a provision setting out that tariff;

(b) in any other case, either provision setting out that tariff or a provision specifying the manner in which the tariff is to be determined:

40 Provided that the licence shall be of no effect until the said provision has been confirmed by the Central Government either with-

out modification or with such modifications as it may think fit after consultation with such holders of air service licences and other persons as it may consider appropriate:

Provided further that in such cases or classes of cases as may be prescribed, this sub-section shall have effect subject to such 5 exceptions or modifications as may be prescribed in relation to the case or class of cases in question.

(6) The Central Government may, by notification in the Official Gazette, authorise the grant of an air service licence to any person specified in the order [being a person who provided air transport 10 services before the date of coming into force of sub-section (2) of section 3 in respect of any air transport so specified in relation to that service and without prejudice to their powers under section 5], the Board shall grant that licence forthwith without any application being made therefor: 15

Provided that the Central Government shall not make any order under this sub-section after the expiration of the period of three months beginning with the said date.

(7) Except with the consent of the Central Government the Board shall not grant an air service licence to any person who is 20 not either:—

(a) a citizen of India or Nepal or such treaty areas giving equal rights of Indian citizenship; or

(b) a body incorporated in India or Nepal or Sikkim or Bhutan, being a body which in the opinion of the Board is 25 substantially controlled by persons each of whom is either a citizen of India or a citizen of the said state or an Indian protected person.

(8) If, while an air service licence is in force and not later than the prescribed time before the expiry of the term for which 30 it was granted the holder thereof applies to the Board under section 5, unless the application is withdrawn, the first mentioned licence shall not cease to be in force by reason of the expiry of the said term until the Board have given their determination on the application or, if the application is refused or if any new licence 35 granted differs in its terms from the first mentioned licence, until:—

(a) the expiration of the period prescribed under section 7 for appealing against the Board's decision; and

(b) if an appeal is duly made within that period the determination or abandonment of the appeal and; 40

(c) in the case of a successful appeal against a rejection of the application, the date of the coming into force of the new licence.

5. (1) Subject to any relevant regulations under section 7, an application for the revocation, suspension or variation of an air service licence may be made to the Board at any time by any of the persons prescribed in pursuance of clause (b) of sub-section (1) of that section. Revocation, suspension and variation of licences.

(2) If in the case of any person who is the holder of an air service licence the Board are at any time no longer satisfied as mentioned in clause (a) of sub-section (2) of section 4, they shall as may appear to them appropriate in the circumstances, revoke, suspend or vary that licence. Whether or not any application or representation has been made to the Board for the purpose.

(3) Without prejudice to the provisions of sub-section (2), if at any time the Board are satisfied, whether or not any application or representation has been made to them for the purpose, that it is right and proper so to do, they may revoke, suspend or vary any air service licence.

(4) Sub-sections (2) to (4) of section 4 shall have effect with the necessary modifications in relation to the Board's function under the sub-sections (2) and (3) as they have effect in relation to their functions under section 4.

(5) If any air service licence is revoked, suspended or varied by the Board otherwise than on the application of the holder of the licence, the revocation, suspension or variation shall not take effect until the expiration of the period prescribed under section 7 for the making of an appeal against the Board's decision nor, if an appeal is duly made during that period, until the determination or abandonment of the appeal.

6 (1) It shall be the duty of the Board to consider any representation from any person relating to facilities in connection with air transport services by means of aircraft registered in India, or with respect to the traffic or other charges in respect of any such service or facilities: Additional functions of Board.

Provided that the Board shall not be required by this sub-section to consider any representation if in their opinion—

(a) the representation is frivolous or vexatious; or

(b) the matters to which the representation relates have already been sufficiently considered by the Board; or

(c) the matters to which the representation relates are for the time being regulated by an international agreement to which the Indian Government is a party.

(2) When the Board have considered any such representation as aforesaid, they shall report to the Central Government their conclusions, and shall make such recommendations to the Minister in connection with those conclusions as they think expedient:

Provided that this sub-section shall not apply to any representation made in connection with an application for the grant of an air service licence or for the purpose of the Board's functions under section 5.

Regulations.

7. (1) Without prejudice to any other power to make regulations conferred by this Act, the Central Government shall by regulations make provision—

(a) for requiring, except in such circumstances, if any, as may be specified in the regulations, publication of notice of the making of any application for the grant, revocation, suspension or variation of an air service licence and for the making of objections or representations with respect to any such application;

(b) as to the persons entitled to be heard by the Board at any meeting to consider the grant, revocation, suspension, or variation of any such licence;

(c) for conferring a right to appeal to the Central Government from any decision of the Board with respect to any air service licence or any application for such a licence upon the holder of or applicant for the licence and upon such other persons, if any, as may be specified in the regulations and generally as to such appeals, including in particular provision as to the time by which any such appeal must be made, the other persons, if any, to be made parties thereto, and the liability of any of the parties in respect of costs or expenses incurred in connection therewith;

(d) for requiring the payment to the Board in connection with air service licences or applications relating thereto of such fees determined in such manner as the regulations may provide.

(2) Without prejudice to the provisions of sub-clause (1), Central Government may by regulations make provision—

(a) as to the form and manner in which any application, objection or representation shall be made to the Board;

(b) with respect to the furnishing by persons making an application, objection or representation to the Board of information or documents relevant thereto;

5 (c) as to the liability of any of the persons heard by virtue of clause (b) of sub-section (1) at any meeting of the Board in respect of costs or expenses incurred in connection with the hearing;

10 (d) with respect to the provision by holders of air service licences or air operator's certificate of statistical or other information with respect to their operations to which the licence or certificate relates;

(e) as to the circumstances, if any, in which an air service licence shall or may be transferred or treated as if granted to a person other than the person to whom it was granted;

15 (f) with respect to the surrender or cancellation or variation of air service licences;

(g) generally as to the procedure of the Board;

20 (h) for the setting up of regional advisory committees for the purpose of advising the Board on matters relating to its functions under this Act with particular regard to the circumstances and requirements of particular areas, and for the payment by the Central Government of travelling or other expenses reasonably incurred by any person as a member of any such committees.

25 (3) Any power to make regulations conferred by this Act shall include power to make different provision for different circumstances and to make such incidental or supplementary provision as appear to the Central Government necessary or expedient for giving effect to the purposes of this Act.

30 (4) Any power to make regulations conferred on the Central Government by this Act shall be exercisable by statutory instrument, and any such instrument shall be subject to annulment in pursuance of a resolution of Parliament.

35 8. (1) If an aircraft is used on any flight in contravention of sub-section (2) of section 3, the operator of the aircraft and if any other person, whether by negotiating a contract or otherwise made available facilities for travel or the consignment of goods on that flight knowing or having reasonable cause to suspect that the flight would

**Enforcement
of licensing
provisions.**

be in contravention of provisions of sub-section (2) that other person also shall be guilty of an offence and be liable—

(a) on summary conviction to a fine not exceeding ten thousand rupees, or to imprisonment for a term not exceeding 5 three months, or to both.

(b) on conviction to a fine of such amount as the court may think fit, or to imprisonment for a term not exceeding two years, or to both.

(2) For the purpose of securing compliance with the requirements of section 3, the Central Government or anyone acting under its authority may require any person who, in India whether by providing an aircraft or negotiating a contract or otherwise, makes available or offers, facilities for travel or the consignment of goods upon any journey by air, and any servant or agent of any such person, and 10 any person who is the holder of an aeroplane licence, to provide the Central Government with all such information or documents in his possession or control relating to the journey or proposed journey as may be specified. 15

Any person, who wilfully fails to comply with any requirements under this sub-section shall be guilty of an offence and be liable on 20 summary conviction to a fine not exceeding two thousand rupees.

(3) If the holder of any air service licence or air operator's certificate fails without reasonable cause to comply with any requirement of any regulation with respect to the provision of information made by virtue of clause (d) of sub-section (2) of section 7, he shall 25 in respect of each such failure be guilty of an offence and liable on summary conviction to a fine not exceeding one thousand rupees.

(4) If any person, in furnishing any information under this Act, furnishes any information which to his knowledge is false in any material particular or recklessly furnishes any information which 30 is false in any material particular, he shall be guilty of an offence and be liable—

(a) on summary conviction to a fine not exceeding one thousand rupees, or to imprisonment for a term not exceeding 35 one month or to both;

(b) on conviction to a fine not exceeding ten thousand rupees, or to imprisonment for a term not exceeding two years, or to both.

(5) If any person fails without reasonable cause to comply with any requirement duly made of him under this Act to surrender an 40

air service licence for cancellation or variation, he shall be guilty of an offence and be liable on summary conviction to a fine not exceeding five hundred rupees.

(6) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

In this sub-section, the expression 'director' in relation to a body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

(7) Any offence under this section shall, for the purpose of conferring jurisdiction, be deemed to have been committed at any place where the offender may for the time being be.

9. (1) The Central Government shall provide the Board with such accommodation and equipment as appears to it to be necessary or expedient for the exercise of their functions and shall also provide from among its officers and servants such number of persons to act as officer or servants of the Board as he may from time to time think fit, and any expenditure incurred by the Board with the approval of the Central Government shall be defrayed by the Central Government.

Expenses
and Reports
to Board.

(2) The Board shall furnish to the Central Government such accounts and other information relating to the discharge of its functions as the Central Government may require and after the end of the year make a report to the Central Government as to the exercise and performance of their functions under this Act in that year, which shall cover any particular matters on which the Central Government has requested them to report and the Central Government shall lay a copy of each such report before each House of Parliament.

10. The following provisions of the Air Corporations Act, 1953 are hereby repealed, that is to say:—

Repeal of
certain pro-
visions of the
Air Corpora-
tions Act,
1953.

(a) Sections 18 and 19 and such sections which relate to the reservation of certain air services to the Air India International or the Indian Air Lines Corporation and their Associates.

(b) Sections 30 to 35.

**Powers to
extend pre-
visions of
Act.**

11. (1) The Central Government may by order direct that any of the provisions of this Act shall extend with such exceptions, modifications and adaptations, if any, as may be specified in the order,—

(a) to any of the territories protected or administered areas of the Government of India; and 5

(b) to any such area or territory as may be deemed fit or expedient by the Government of India.

(2) An order of the Central Government by virtue of clause (a) of sub-section (1) may provide for the payment of sums out of moneys provided by Parliament for any purpose for which sums are required to be so paid in consequence of the exercise of the powers conferred by this section. 10

(3) Any order of Central Government made under this section may be varied or revoked by a subsequent order so made.

SCHEDULE

15

THE AIR TRANSPORT LICENSING BOARD

1. The Board shall consist of not less than six nor more than ten members appointed by the Central Government who shall also appoint two of those members to be Chairman and Deputy Chairman respectively of the Board. 20

2. Subject to the provisions of this Schedule, the Chairman, the Deputy Chairman and each of the other members of the Board shall hold and vacate his office in accordance with the terms of the instrument appointing them.

3. The Central Government—

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(a) shall pay to any member of the Board such remuneration (whether by way of salary or fees) and such allowance as the Central Government may determine; and

(b) in the case of any member of the Board with respect to whom the Central Government may with the said approval determine, shall make such provisions for the payment of a pension to or in respect of that member as the Central Government may so determine; 30

and the Central Government shall as soon as possible after the establishment of the Board, lay before each House of Parliament a statement of the remuneration and allowances that are or will be payable under this paragraph to the members of the Board, and if any subsequent determination made by it under this paragraph involves any departure from the term of that statement or if a determination so 35

made provides for the payment of a pension to or in respect of any member of the Board, the Central Government shall, as soon as possible after the determination, lay a statement thereof before each House of Parliament.

5 4. If the Central Government is satisfied that the Chairman of the Board is temporarily unable to discharge the functions of his office owing to illness or any other cause, the Central Government may appoint some other member of the Board to act for the time being in the place of the Chairman or Deputy Chairman, as the case may
10 be.

5. If the Central Government is satisfied that a member of the Board—

(a) has without the permission of the Board been absent from meetings of the Board for a continuous period exceeding
15 six months; or

(b) has become bankrupt or made an arrangement with his creditors; or

(c) has by reason of illness or any other cause become unable or unfit to act as a member of the Board,

20 the Central Government may, by giving notice in such manner as it thinks fit, declare that person's office as a member of the Board to have become vacant.

6. No person who for the time being has any interest, whether as a shareholder or otherwise in the business of an operator of aircraft
25 or of the holder of an aerodrome licence, shall act as a member of the Board unless he has declared his interest to the Board and to the Central Government and if the Central Government is satisfied that by reason of that interest or of any failure so to declare such an interest it is right and proper so to do, the Central Government may by
30 giving notice in such manner as it thinks fit declare that person's office as a member of the Board to have become vacant.

7. The Board may act notwithstanding a vacancy in the Membership thereof, and no act of the Board shall be invalidated by reason of any irregularity in the appointment of any member thereof or by
35 reason of any person irregularly acting as a member thereof.

STATEMENT OF OBJECTS AND REASONS

The Air Corporations Act, 1953 (No. 27 of 1953) was passed closely following the Civil Aviation Act, 1949, as passed by the Parliament in U.K.

As a result the Air India International and the Indian Air Lines Corporation were formed absorbing certain air companies which were then operating in the country.

Certain non-scheduled air operators were however left out. Provision was made in the existing Act for scheduled operators who were nationalised to be granted non-scheduled permits to operate as a non-scheduled operators, if they desired.

All flying clubs also have non-scheduled permits to operate light aircraft commercially for hire and reward.

In February, 1960, the Parliament in U.K. passed the Civil Aviation (Licensing) Bill to amend certain portions of their Act, and for the provision of both the Acts to be cited together as the Civil Aviation Acts, 1949 and 1960. Their reasons were briefly as follows:—

1. Give independent operators a field of operations.
2. Create a bigger Aviation Industry in these unsettled times and air age.
3. To provide home market for aircraft and parts produced by them.
4. Introduce a measure of healthy competition between the Corporations and the independent operators to improve air services and benefit the public as befitting a welfare State.
5. Create more avenues of employment for technical personnel and aircrews.
6. Create a second line of Air Defence by having ready at hand a well trained group of technicians and pilots and aircraft, to form a reserve transport command immediately for any emergency.

In India, identical conditions have developed. Hence this Bill.

NEW DELHI;
The 27th September, 1961.

AMJAD ALI

FINANCIAL MEMORANDUM

Sub-clause (1) of clause 9 requires the Central Government to provide the Board with accommodation and staff. Any expenditure incurred by the Board with the approval of the Central Government, is to be defrayed by the latter.

THE SCHEDULE, which contains provisions with respect to the Board in paragraph 3 empowers the Central Government to pay to members of the Board such remuneration, allowances and pension as it may determine and to lay a statement in this regard before each House of Parliament.

It is expected that the fees payable in respect of licences will cover the cost of administration of the Act. No additional expenditure will thus be required to be incurred from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (1) of clause 7 requires the Central Government to make regulations providing for the advertising of applications for licences, the making of objections and representations, the right of appeal to the Central Government against the decisions of the Board and the payment of fees for licences.

Sub-clause (2) of clause 7 empowers the Central Government to make regulations regarding the procedure of the Board and other related matters.

The delegation is of a normal character.

M. N. KAUL,
Secretary.